



RECORDS RETENTION SCHEDULE

DEPARTMENT OF CHARITABLE GAMING

Schedule Date: December 1999



Prepared by
STATE RECORDS BRANCH
Public Records Division
Kentucky Department for Libraries and Archives

RECORDS RETENTION SCHEDULE

Signature Page

Office of Charitable Gaming
Agency

December 9, 1999
Schedule Date

Unit

September 14, 2006
Change Date

September 14, 2006
Date Approved By Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:


Agency Head

9/14/2006
Date of Approval


Agency Records Officer

9/14/2006
Date of Approval


State Archivist and Records Administrator
Director, Public Records Division

9/14/2006
Date of Approval

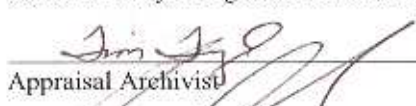

Chairman, State Archives and Records Commission

9/14/06
Date of Approval

The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:


Records Analyst/Regional Administrator

9-14-06
Date of Approval


Appraisal Archivist

9/14/06
Date of Approval


State/Local Records Branch Manager

14 Sep 06
Date of Approval

The determination as set forth meets with my approval.


Auditor of Public Accounts

9-14-06
Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Schedule Date: December 09, 1999

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Public Protection and Regulation
Charitable Gaming

Series	Records Title		Contents	Retention		
	and Description	Function and Use		Disposition Instruction		
04895	License File - (Includes organizations, facilities, manufacturers and distributors) (V)	This series documents the licensing requirements for organizations, facilities, manufacturers and distributors to participate in charitable gaming events and activities, as required in KRS 238.525 to 535. A charitable organization is a nonprofit entity organized for charitable, religious, educational, literacy, civic, fraternal or patriotic purposes. A charitable gaming facility is a person, including a licensed charitable organization, that owns or is a lessee of premises which are leased or otherwise made available to two or more licensed charitable organizations during a one year period for the conduct of charitable gaming. A manufacturer is a person who assembles charitable gaming equipment or supplies used in the conduct of charitable gaming. A distributor is a person who sells, markets, leases, or otherwise furnishes to an organization charitable gaming equipment. The series also includes exempted organizations, such as hospitals, parent/teacher associations, school organizations. An exempted organization is one that makes less than \$15,000 per year on charitable gaming events, and is not required to pay a filing fee or financial reports. Applicants for licenses are subjected to state and national criminal history background checks. Applicants who are denied licenses have recourse through the administrative hearing process. Orders of the Commissioner are final, unless overturned through the courts.	Series may include: Application forms; articles of incorporation; by-laws; Internal Revenue Service (IRS) form 990, to report gross receipts over \$25,000); IRS 501C form, for use by nonprofit entities; employee identification number; federal identification number; copies of leases; invoices; orders; complaints; financial plan (if required); and related correspondence	Agency: I	Records Center:	Archives Center: Destroy three years after inactivation of license

STATE AGENCY RECORDS RETENTION SCHEDULE

Public Protection and Regulation Charitable Gaming

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04896	Inspection Report File	This series documents the notes and observations resulting from the inspection of licensees engaged in charitable gaming events and activities. Inspections are at the discretion of the Department, with the overall intent to inspect each and every charity at least two to three times per year. The purpose of the inspections is to ensure compliance with the requirements of KRS 238.500 to 560. Currently, there are eleven inspectors to inspect more than 1,200 licensees. During inspections, emphasis is given to educating organizations, facilities, manufacturers and distributors regarding the laws governing charitable gaming. The primary thrust of the inspections is to ensure that 40 percent of gross receipts are retained for charities, and that the required 4/10 of one percent of receipts are returned to the Department. The Department is funded through agency receipts, not through appropriations from the General Assembly. If violations are noted, a period for corrective action is given. If violations are not corrected, licenses can be revoked or suspended.	Series contains: Date of inspection; inspector name; day of inspection; license number; arrival time; organization name; address; officer/manager present; person in charge of cash; person in charge of pull tab sales; person calling game; association with organization; distributor; per person paper charge; employees of distributor present; facility; license number; expiration date; address; rent; clean up charges; additional charges; inventory storage; person responsible; investigative notes and observations; involvement by other licensees; charity game ticket rules of play; bingo equipment; rules of play; gross receipts; and payout list	Agency: I	Records Center:	Archives Center:
				Destroy three years after inactivation of license		
04897	Quarterly Report File Change Date: 6/14/2001	This series was created to capture data on gross receipts by gaming categories, such as bingo, pull tabs, and raffles, as required in KRS 238.550 (2). In addition, the report provides information on the following: 1) the amounts or values of all prizes paid out during the reporting period; 2) the names and addresses of all persons who are winners of prizes of \$600 or more; and 3) all net receipts retained and the names and addresses of all charitable endeavors which received money from the net receipts. The reports are due to the Department thirty days following the end of each calendar quarter. The series is primarily used to determine whether the organization is retaining forty percent of its gross receipts for charitable purposes. It is also used to ensure compliance with the reporting of other types of expenses and to capture statistical information for inclusion in the Department's annual report.	Series contains: License number; organization name and address; and reporting period. Part 1 includes information on gaming activities, gross receipts, payouts, and adjusted gross receipts. Part 2 includes information on expenses, such as supplies, equipment, other operating expenses, and signature of organization officer and date. Additional reports include charitable gaming account information; report of all winners of prizes valued at more than \$599; special license activity; summary of gaming activity; and report of charitable contributions made by licensee.	Agency: 4	Records Center: 2	Archives Center:
				Transfer to the State Records Center		

STATE AGENCY RECORDS RETENTION SCHEDULE

Public Protection and Regulation Charitable Gaming

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04898	Investigative Case File - (Relates to allegations of criminal conduct) (C) KRS 61.878 (1) (h) Change Date: 9/14/2006 (V)	This series documents the investigations of allegations of wrongdoing, specifically allegations of willful criminal conduct, as required in KRS 238.560. Investigations may be undertaken based on receipt of complaints or upon the Department's own volition. In carrying out its enforcement responsibilities, the Department can: inspect and examine all premises in which charitable gaming is conducted, or gaming supplies or equipment are manufactured and distributed; remove and impound supplies and equipment for the purpose of examination; inspect and audit books and records of licensees for the purpose of determining compliance with laws and regulations governing charitable gaming; and take any other actions it believes necessary to an investigation. The information from cases that support criminal offenses is turned over to the appropriate county attorney or commonwealth attorney for prosecution, or to the agency that has proper jurisdiction, such as the Internal Revenue Service. Complaints that are received that are not of a criminal nature are turned over to other areas of the Department for resolution.	Series may contain: investigative report; copy of complaint; witness statements; business records of the organization/facility; audit reports; related correspondence	Agency: 1	Records Center: 65	Archives Center:
				Transfer to the State Records Center 15 years after case closure, and all appeals have been exhausted		
04899	Audit File	This series documents the audits of charitable gaming organizations and facilities. The audits are conducted to ensure that the required 4/10 of one percent of gross gaming receipts are returned to the Department, as required in KRS 238.570. Audits are also conducted to determine the accuracy of quarterly reports (series 04897) submitted to the Department, and to ensure compliance with laws and regulations governing charitable gaming activities. The intent of the Department is to audit each organization/facility once within a three-year period. Information from the series also may be used in formal investigations conducted by the Department.	Series may contain: Audit summary; preliminary audit report; response to preliminary audit report; copies of quarterly reports; inspection reports; work papers; complaints from inspectors; final audit report; and related correspondence	Agency: 3	Records Center: 3	Archives Center:
				Transfer to the State Records Center		
04900	Case Files - Administrative Proceedings - (Documents administrative proceedings resulting from violations) (C) KRS 61.878 (1) (l) (V)	This series is created when administrative action against any person licensed under KRS Chapter 238 for violations of the provisions of the Chapter or related administrative regulations is undertaken. Offenses include, but are not limited to, violations of rules of play, conducting unlicensed gaming activities, and involvement by a facility in organization's gaming activities. Under the terms of KRS 238.560, the Department may deny a license, suspend or revoke a license, issue a cease and desist order, place a license holder on probation, or levy a fine. The type of action taken is based on the nature, severity and frequency of the offense. A license holder has ten days, after notification of an action, to appeal an administrative decision of the Department. Administrative hearings are conducted by the Attorney General's Office. A case is closed upon issuance of a final order by the Commissioner of the Department. A licensee has thirty days in which to appeal a final order to Franklin Circuit Court.	Series may contain: Request for appeal; notice of administrative hearing; order assigning case; pre-hearing conference; disposition of case (find of fact and conclusion of law and recommended order); final order; transcripts; exhibits; and related correspondence	Agency: 1	Records Center:	Archives Center:
				Destroy three years after case closure, and all appeals have been exhausted		